

REMARKS

Entry of this amendment in accordance with the provisions of 37 CFR § 1.114 is respectfully requested.

This amendment is in response to the Advisory Action dated November 5, 2003 and the Final Rejection dated June 20, 2003 in this application. By the present amendment, independent claim 1 has been replaced with new independent claim 17, with claim 1 being correspondingly cancelled, and the remaining claims have been amended, where necessary, to depend from the new independent claim 17. Also, a further new dependent claim 18 has been added to further define the invention.

New independent claim 17 has been drafted to particularly emphasize the distinctions of the present invention over the cited prior art, particularly the primary reference to DeRoo (USP 5867655). With regard to this, claim 17 defines an external storage device that can be connected to a host computer such as that indicated by the numeral 2 in Fig. 2 of the present application. The external storage device can be read, for example, on the flashcard memory 111 shown in Fig. 2, which includes a non-volatile flash memory 17 and a host interface 11 to connect to the host computer. A controller such as defined in claim 17 can be read, for example, on the data transfer control 12 and the microprocessor 16 of the Fig. 2 embodiment. These control elements 12 and 16 access the non-volatile semiconductor flash memory 17 in response to a command and an address from the host computer 2.

As further defined in claim 2 and shown, for example, in Figs. 3 and 5 of the specification, a first command is provided to access a first area 1711 (designated as the normal area in Fig. 3) and a second command is provided for accessing a

second area, such as 1712 in Fig. 3 (designated as the "protected area"). Claim 2 also defines a step (such as shown as S110 shown in Fig. 5) to determine whether the command from the host computer is a first command or a second command (that is, a normal area read command or a protected area read command). As shown in Fig. 5, and defined in claim 2, when the command is a first command (e.g. a normal read command), the controller will carry out first command processing to a sector in the first area (e.g. 1711) based upon an address from the host computer (e.g. see step S113 in Fig. 5). On the other hand, if the command is a second command (e.g. a protected area read command), as shown in Fig. 5, the controller will carry out a second command processing to a sector in the second area (e.g. 1712) in accordance with an address from the host computer. As such, new independent claim 17 clearly defines a relationship between first and second commands, which are different from one another for respectively accessing first and second area based upon a determination in the controller as to whether the command from the host computer is a first command or a second command.

Reconsideration and allowance of newly presented claim 17 and its dependent claims over the cited prior art to DeRoo and the combination of DeRoo and Kilpatrick (USP 5875465) is respectfully requested. In the Advisory Action dated November 5, 2003, it is stated that DeRoo teaches:

"a) definition of a predetermined protected address range in a memory device corresponding to said predetermined readable and writable address range of a predetermined selectable variable size; b) responsive to said addressing signals, preventing or erase and write commands of said programmable memory device for addresses corresponding to said protected address range in said memory device to the CUP while the SPC accesses the programmable memory device for addresses corresponding to said protected address range."

With regard to this, DeRoo discloses determining whether a protected address range is to be accessed or whether a range other than the protected address range should be accessed based on an addressing signal. However, it is respectfully submitted that DeRoo fails to teach or suggest the features of claim 17 of providing a first command for accessing a first area, which first command is different from a second command for accessing a second area among plural areas of a non-volatile semiconductor memory. Further, DeRoo fails to teach a controller which determines whether the command from the host computer is the first command or the second command. As such, it is respectfully submitted that newly presented claim 17 clarifies the distinctions of the present invention over the cited DeRoo patent, whether or not DeRoo is combined with Kilpatrick, and reconsideration and allowance of independent claim 17 and its dependent claims is earnestly solicited.

With regard to the dependent claims, particular consideration of dependent claims 2 and 7 over DeRoo and Kilpatrick is particularly requested. As noted beginning on page 12 of the October 20, 2003 Amendment, these claims particularly define the features of the present invention that the external storage device dynamically changes the sizes of the first and second areas on the basis of an instruction by the host computer. As emphasized in the Remarks of the October 23, 2003 Amendment, such adjustment of the size of the first and second areas goes directly against the teachings of DeRoo which clearly states in the Abstract that one of its purposes is to prevent modification of the protected area. Thus, modifying DeRoo using the Kilpatrick reference to change the size of the respective memory areas would go directly against the teachings of DeRoo that the size of the protected area is not be changed. This issue has not been address in the Advisory Action.

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Accordingly, reconsideration of this issue and allowance of dependent claims 2 and 7 over the combination of DeRoo and Kilpatrick is again earnestly solicited.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 566.38877X00), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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